

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE PROCTER & GAMBLE COMPANY,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 08-66-JJF

**REPLY TO TEVA PHARMACEUTICALS USA, INC.'S
OPPOSITION TO THE PROCTER & GAMBLE COMPANY'S
REQUEST FOR ENTRY OF PROPOSED ORDER OF FINAL JUDGMENT**

Plaintiff The Procter & Gamble Company ("P&G") submits this Reply to Teva Pharmaceuticals USA, Inc.'s ("Teva") Opposition to P&G's Proposed Order of Final Judgment. (*See* D.I. 10). Concurrently herewith, P&G has filed a Reply to Teva's Opposition to P&G's Proposed Order of Final Judgment in the related case, *The Procter & Gamble Company v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 04-940-JJF (D.I. 122), and incorporates by reference herein the arguments made in that Reply.

For all these reasons, P&G respectfully requests that the Court enter P&G's Proposed Order of Final Judgment, with the modification reflected in the Proposed Order of Final Judgment attached hereto as Exhibit A.

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Dated: March 27, 2008



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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

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I hereby certify that on March 27, 2008, I have sent by Electronic Mail, the foregoing document to the following non-registered participants:

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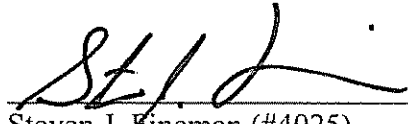

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EXHIBIT A

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Civil Action No. 08-66-JJF

[PROPOSED] ORDER OF FINAL JUDGMENT

This action having been stayed pending trial in the related action, Civil Action No. 04-CV-940 (JJF), which came to trial in November 2006 before this Court, Honorable Joseph J. Farnan, Jr., District Judge, presiding, and pursuant to the Joint Motion to Stay All Proceedings submitted by the parties on February 26, 2008 (D.I. 7) and entered by the Court on March 5, 2008;

NOW THEREFORE, IT IS ORDERED AND ADJUDGED for the reasons set forth in the Court's Opinion dated February 28, 2008 in Civil Action No. 04-CV-940 (JJF), that Final Judgment is entered in favor of the Plaintiff, The Procter & Gamble Company ("P&G"), and against the Defendant, Teva Pharmaceuticals USA, Inc. ("Teva"), on P&G's claims that Teva has infringed Claims 4, 16, and 23 of U.S. Patent No. 5,583,122 ("the '122 patent");

AND IT IS FURTHER ORDERED AND ADJUDGED that claims 4, 16, and 23 of the '122 patent are valid and enforceable;

AND IT IS FURTHER ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any approval of Teva's Abbreviated New Drug Application No. 79-215 shall be

a date which is not earlier than the date of expiration of the '122 patent, including any extensions and regulatory exclusivities that are granted and not successfully challenged;

AND IT IS FURTHER ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(B), Teva and its successors-in-interest, officers, agents, servants, employees and attorneys, and those persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from commercially making, using, offering to sell or selling within the United States, or importing into the United States any products that infringe the '122 patent, including the 75 mg risedronate sodium tablets for treatment or prevention of osteoporosis that are the subject of Abbreviated New Drug Application No. 79-215, until the expiration of the '122 patent (December 10, 2013), including any extensions and regulatory exclusivities that are granted and not successfully challenged.

DATED THIS ____ DAY OF _____, 2008.

United States District Judge